

Comments regarding the Drawings

Applicant submits that Figure 1 does not illustrate the prior art but rather applicant's contribution included in an article published less than a year before the effective filing date of this application based on his provisional patent application the benefit of which is claimed in this application. In the previous amendment, a request was made to label Fig. 1 as prior art, but this was an inadvertent error. As the request to so label Fig. 1 in the previous amendment was denied for procedural reasons, it is believed that Fig. 1 is still as originally filed (i.e., not labeled prior art).

REMARKS

The application has been reviewed in light of the final Office Action dated August 2, 2005. Claims 1-17 are pending, with claims 1, 10, 12 and 15 being in independent form. By this Amendment, claims 1 and 10 have been amended to correct the informalities therein, and claim 15 has been amended.

Drawings

Fig. 1 is not prior art as it reflects a contribution of the inventor that appeared in an article published less than a year before the filing date of his provisional patent application the benefit of which is claimed in this application. It is believed that Fig. 1 is still as originally file (i.e., it is not labeled prior art) because the request made in the previous amendment to so label Fig. 1, which request was an inadvertent error, was denied for procedural reasons.

Claim Objections

By this Amendment, claims 1 and 10 have been amended to correct the informalities therein.

Claim Rejections – 35 USC § 112

Claims 1-17 were rejected under 35 U.S.C. §112, first paragraph.

It is submitted that the disclosure describes examples supporting the claims in sufficient detail to enable a hypothetical person of ordinary skill in the art to make and use the invention at the time of the effective filing date, particularly by reference to the two cited articles incorporated by reference. If required, applicant will physically include the pertinent content of the two articles in the typed written description of this application by way of a further amendment.

For example, the specification describes at page 3, line 23 to page 4, line 6 that a pair of numerical measures DU and DL are computed using the expressions in Article 1 [given at page

817 therein], and that in a plot such as in Fig. A in Article 1 the points for Parkinson's disease patients are in a cluster spaced from that for patients without the disease. Another example is discussed at page 4, lines 13-17 of the specification, by reference to Article 2.

AS described in the specification, it is not the WMS (white matter suppressed) image alone that produces resultant signals indicative of PD or PSP; rather, combined information such as a ratios of WMS and GMS (gray matter suppressed) images leads to the desired resultant signals. Claim 1 refers to MRI of SNc tissue and is supported by Fig. 1 illustrating images that contain SBC tissue as well as by Figs. 2 and 3 illustrating segmented SNc tissue.

The main remaining issue may be whether it is necessary to physically incorporate appropriate portions of Articles 1 and 2 into the typed language of this application and its figures and, as earlier stated, applicant is prepared to do that if required.

Claim Rejections – 35 USC § 102/103

Claims 1, 9, 15 and 16 were rejected as anticipated or, in the alternative, obvious over U.S. Patent No. 6,430,430 ("Gosche"). Claims 2-4, 10-14 and 17 were rejected under 35 U.S.C. §103(a) over Gosche.

To the extent the Gosche patent is understood, it does not appear to teach, for example, the last step of claim 1 (combining information from said GMS and WMS MRI signals so as to produce resultant signals indicative of PD). The Examiner notes that Article 1 refers to ratios of WMS and GMS signals at page 817 and Article 2 also refers to such ratios at page 698, but this subject matter in the articles is the inventor's contribution and the articles were published less than a year before the filing date of the provisional patent application the benefit of which this application claims. Further, it does not appear that Gosche proposes using WMS and GMS

(white matter and gray matter suppressed) images to identify PD patients.

Similarly, Gosche does not appear to teach at least the last step of claim 10 (combining information from said GMS and WMS MRI signals to produce a resultant signals indicative of PSP), or to use both WM and GM suppressed images for the purpose.

Referring to claim 12, it does not appear that Gosche proposes “to compute resultant signals differentiating between PD and PSP” as recited in the last step of the claim.

Referring to claim 15 (as amended hereby), it does not appear that Gosche teaches “computing resultant signals indicative of and identifying PSP” as recited in the last step of the claim.

It is submitted that the dependent claims distinguish from Gosche at least because of the features of their parent claims discussed above, although it is believed that they also recite additional features that further support patentability.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Allowance of this application is respectfully requested.

Respectfully submitted,



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